

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	CERTIFICATION OF A
)	SEXUALLY DANGEROUS PERSON
ROBERT WAYNE FISCUS,)	
Register Number 07820-081,)	
)	
Respondent.)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby submits the attached Certification of a Sexually Dangerous Person pursuant to Title 18 U.S.C. § 4248(a).

Respectfully submitted, this 14th day of November, 2007.

George E. B. Holding
United States Attorney

BY: /s/ Michael Lockridge
Michael Lockridge
Special Assistant U.S. Attorney
Civil Division
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Raleigh, NC 27601-1461
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N.C. Bar # 28644

CERTIFICATE OF SERVICE

This is to certify that I have this 14th day of November, 2007, served a copy of the foregoing upon the Respondent in this action by placing the documents in an envelope marked as stated below, and providing it to FCC Butner staff to deliver the envelope in hand to:

Robert Wayne Fiscus
Reg. No. 07820-081
FCI Butner

and on the same day served a copy of the foregoing by placing a copy in the U.S. Mail, addressed as follows:

Office of the Federal Public Defender
150 Fayetteville Street Mall
Suite 450
Raleigh, North Carolina 27601

/s/ Michael Lockridge
Michael Lockridge
Special Assistant U.S. Attorney
Civil Division

CERTIFICATION OF A SEXUALLY DANGEROUS PERSON

(1) I, Anthony A. Jimenez, am Chairperson of the Federal Bureau of Prisons (Bureau) Certification Review Panel, Washington, D.C. Pursuant to 28 C.F.R. § 0.97, the Director of the Bureau has delegated to me the authority to certify persons in Bureau custody as sexually dangerous, as authorized by 18 U.S.C. § 4248(a).

(2) Bureau records reflect the following: Inmate Robert Wayne Fiscus, Register Number 07820-081, is in Bureau custody at the Federal Correctional Institution, Butner, North Carolina, in service of a 13-month and one-day term of imprisonment following the revocation of his supervised release. His original sentence was a 27-month term of imprisonment and a 36-month term of supervised release, following his conviction for Possession of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B) (D. Utah) (Case No. 2:99-CR-627-001C). Inmate Fiscus violated supervised release by sexually assaulting a minor. As a result of this behavior, he is also facing charges of Forcible Sodomy and Forcible Sexual Abuse, in the Fourth Judicial District Court, Utah County, Provo, Utah (Case No. 071400372 FS). His projected release date is November 16, 2007.

(3) Based on a review of his Bureau records, I certify he is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5), and sexually dangerous to others as defined by

18 U.S.C. § 4247(a)(6). My certification is based on information found in Bureau records which includes, but is not limited to, the following:

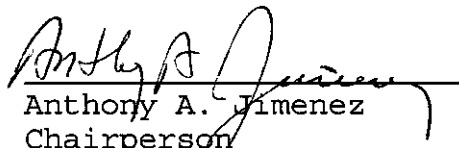
(a) He previously engaged or attempted to engage in sexually violent conduct or child molestation as evidenced by his current offense conduct. Additionally, he was previously convicted of Criminal Sexual Conduct With a Minor in the First Degree and Lewd Act Upon a Minor, in the Charleston County Court of General Sessions, Charleston, South Carolina (Case No. 88-CS-10-833), for conduct that included placing his penis in the anal area of a seven-year-old boy and touching the boy's penis with his tongue and then masturbating in front of him;

(b) A limited psychological review indicated the following: Axis I diagnoses of Pedophilia, Sexually Attracted to Males, Nonexclusive Type and Adjustment Disorder, with Mixed Anxiety and Depressed Mood; Axis II diagnosis of Personality Disorder Not Otherwise Specified, with Antisocial and Histrionic Features;

(c) An initial assessment of him using two actuarial risk assessment instruments (Static-99 and Rapid Risk Assessment for Sexual Offense Recidivism (RRASOR)) was conducted. These results, in addition to his current and prior offense conduct, a history of revocation or failure to

meet the stipulations of conditional release, failure in sex offender treatment, poor general self-regulation, and lifestyle instability, indicate he will have serious difficulty refraining from sexually violent conduct or child molestation if released.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.


Anthony A. Jimenez
Chairperson
Certification Review Panel
Federal Bureau of Prisons

10/29/07
Date

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	ORDER
)	
ROBERT WAYNE FISCUS,)	
Register Number 07820-081,)	
)	
Respondent.)	

At the request of the Director of the Bureau of Prisons, the government has filed a Certification of a Sexually Dangerous Person pursuant to 18 U.S.C. § 4248, in order for this court to hold a hearing to determine whether the Respondent is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5).

Respondent, having demonstrated eligibility for appointment of counsel at government expense, the Federal Public Defender IS DIRECTED to provide representation in this action.

The Court further determines that the Respondent is unable to pay the fees of any witness, and pursuant to Federal Rule of Criminal Procedure 17(b) the Clerk shall issue a subpoena for any witness necessary to present an adequate defense to the pending charge or charges.

The Court further ORDERS that the United States Marshal shall serve any subpoenas presented to him in this case by the office of the Federal Public Defender, and shall pay the appropriate fees and expenses to witnesses so subpoenaed.

Pursuant to 18 U.S.C. section 4247(b), the Court ORDERS the government to conduct a psychiatric or psychological examination of Respondent. Pursuant to this section, if the Respondent wishes to request an additional examiner, he shall request such by separate motion to this court.

The Court hereby notifies the parties that this case has been set for Hearing by videoconference at _____ AM/PM on _____. The hearing shall be held in Courtroom #2, Seventh Floor, of the Terry Sanford Federal Building, 310 New Bern Avenue, Raleigh, North Carolina.

This ____ day of _____, 2007.

W. EARL BRITT
Senior U.S. District Judge